

## CHAPTER 7

### LAWS OF WAR AND CODE OF CONDUCT

**7-1. MAIN OBJECTIVE:** Given a combat situation and you are faced with:

- a. Enemy troops, equipment, material, and supplies.
- b. Inhabited towns and cities.
- c. Protected property (hospitals, museums, schools, churches, etc.).
- d. Civilians and private property.
- e. Sick and wounded captives and detainees.
- f. Surrendering enemy troops.
- g. Observing a member of your force about to perform an illegal action.
- h. Receiving an order to perform an illegal action.
- i. Being captured by the enemy and being held as a prisoner of war, select the correct action in accordance with the Laws of War and the Code of Conduct.

REFERENCES: STP 21-1-SMCT; TASK NO: 181-906-1505  
AR 350-30, Code of Conduct/SERE training,  
FM 27-10

**7-2. Given a situation and a list of weapons and/or ammunition, select the weapons and/or ammunition which is not permitted under the Laws of War.**

All US/NATO issued weapons and ammunition are lawful. Do not alter your weapons or ammunition to increase enemy suffering (for example, dum dum bullets and/or poison ammunition).

**7-3. Given a situation and a list of battlefield tactics, select those tactics which are not permitted under the Laws of War.**

Illegal tactics on the battlefield include:

- a. Using enemy marked vehicles or uniforms during combat.
- b. Booby trapping dead or wounded personnel.
- c. Faking surrender and then continuing to fight.
- d. Using medical service symbols to protect combat soldiers and other legitimate military targets.
- e. Using captives or civilians as shields or screens from enemy fire.
- f. Using captives or civilians to plant or remove mines  
or booby traps.
- g. Taking hostages; using hostages to stop hostile acts.

**7-4. Given a situation and a list of symbols, select the symbols of protection for protected property and medical services.**

Medical service symbols (Red Cross, Red Crescent, the Red Lion and Sun, and the Red Shield of David) cannot be used except for medical activities. Medical personnel, their vehicles, and facilities are also not combat targets. Undefined civilian buildings including those used for religious, art, science, or charitable purposes, historical monuments, and hospitals are not combat targets. A red cross or red crescent on a white background, or, in Europe, a blue and white shield often mark protected property.

**7-5. Given a situation and a list of items, select those items which are provided for a captured soldier.**

Treat captives, civilians, and property on the battlefield according to the Laws of War. Allow enemy soldiers to surrender. Treat all captives as prisoners of war.

- a. Protect them from acts of violence, intimidation, and sexual abuse. Provide them food, water, shelter, and medical treatment.
- b. Safeguard captives from the dangers of combat.

Captives may not be used as shields or screens, to clear or plant mines and booby traps, or as hostages. Evacuate them as soon as possible.

c. Items the soldiers would provide for a captured enemy soldier are:

- (1) Adequate food.
- (2) Adequate clothing.
- (3) Shelter.
- (4) Medical care.
- (5) Protection from violence or abuse.
- (6) Protection from dangers of combat.
- (7) Special protection of women from sexual abuse.

**7-6. Given a situation and a list of actions, select those actions taken when civilians, especially a female civilian, are captured.**

Treat all captured civilians humanely. Treat them as you would want to be treated if you were them.

a. Do not use physical force or mental coercion on civilians. Protect women from enforced prostitution, rape, or other sexual assault.

b. Collective punishment, reprisals, or the taking of hostages is prohibited.

c. A captured female civilian is:

- (1) Treated humanely.
- (2) Protected from enforced prostitution, rape, or other sexual assault.
- (3) Protected from having her personal property stolen, looted, or seized.

**7-7. Given an enemy property and a list of dispositions, select the correct disposition from the property.**

Enemy military property, such as weapons, maps, vehicles, and items of intelligence value, must be turned in to the chain of command. Civilian property and captives' personal property and necessary military equipment (helmets, protective masks, and clothing) may not be seized, stolen, or looted.

**7-8. Given a situation and a list of actions, select the correct action you should take if you receive an illegal order or saw a violation of the Laws of War about to happen.**

The soldier would take the following actions if he or she received an illegal order or saw a violation of the Laws of War about to happen:

- a. Ask to have the order clarified.
- b. State that the soldier disagrees with the act.
- c. Use moral arguments.
- d. Threaten to report the act.
- e. Ask the senior soldier to stop the act.
- f. Refuse to obey an order to commit a criminal act.

**7-9. Given a situation and a list of actions select the correct action a soldier War by friendly or enemy takes who has witnessed a violation of the Laws of troops.**

If a violation of the Laws of War is committed by friendly or enemy troops, the soldier will:

- a. Report the incident to the soldier's chain of command.
- b. Report the incident to the IG, chaplain, provost marshal, or a JAG officer if the chain of command is not appropriate.

**7-10. Given a situation and a list of treatments, select the correct treatment a prisoner of war has a right to.**

A POW has the right to the following treatment under the Laws of War:

- a. Receive adequate food, clothing, shelter, and medical treatment.
- b. Send and receive mail and receive packages containing food, clothing, educational, religious, or recreational materials.
- c. Practice one's religious faith.
- d. Keep personal property.
- e. Have copies of the Geneva Convention of Prisoners of War (GPW) and camp regulations posted in the POW's language where the POW can read them.
- f. Have a POW represent the soldier.
- g. Receive humane treatment.

**7-11. Given a situation and a list of items of information, select the information a prisoner of war must give, his/her captors.**

The four items of information a POW must give to his/her captors are:

- a. Name.
- b. Rank.
- c. Service number.
- d. Date of birth.

**7-12. Given a situation and a list of requirements, select the correct requirement of what a POW may be required to do.**

A prisoner of war must:

- a. Tell his captors only his name, rank, service number, and date of birth.
- b. Obey all lawful rules established by his captor.
- c. If required by his captors, he must perform labor which is nonmilitary related and not humiliating, dangerous, or unhealthy. Noncommissioned Officers may only be required to supervise such-labor.

7-13. Given a situation and a list of actions, select the correct action in accordance with the Code of Conduct.

7-14. Given a situation and a list of exceptions, select the medical personnel exceptions to the Code of Conduct.

7-15. Given a situation and a list of actions, select the correct action IAW the medical exceptions to the Code of Conduct.

## 7-16. Explanation of The Code of Conduct

### a. Background:

(1) The six articles of the Code of Conduct are explained in this section. The explanation provides the guidelines for behavior of soldiers who are captured. The explanations are based on experience with captors who have violated the GPW.

(2) Recent captors of US personnel have attempted to:

(a) Eliminate or frustrate the functioning of POW organizations. This was done by interrupting communications between POWs and isolating known POW leaders.

(b) Divide the loyalties and reduce the team efforts of POWs. This was done by creating and building feelings of helplessness, hopelessness, and guilt among Pows.

(c) Force POWs to assist the enemy war effort by taking away or giving basic necessities such as food, clothing, shelter, human contact, and medical care.

(3) The practices in b(1) thru (3) above are forbidden by the GPW. However, if soldiers are subjected to the misfortune and shock of capture, they must immediately realize that they may become the object of intense exploitation. The period of captivity may last up to several years before successful escape or release. The POW must face this as a reality. The best way for POWs to keep faith with their country, fellow POWs, and themselves is to remember that the enemy's purpose is to exploit the POW. Therefore, the POW should provide the enemy with as little information or assistance as possible.

### b. Article I

**I am an American, fighting in the forces  
which guard my country and our way of life. I am  
prepared to give my life in their defense.**

#### Explanation:

(1) The term "American" in Article I refers to all soldiers. Article I also applies to each soldier whether in combat or in captivity. Soldiers are, therefore, duty bound

to support the interest of the United States and to oppose its enemies.

(2) Medical personnel and chaplains are given special "retained status" by the 1949 Geneva Convention including the GPW. The GPW requires that medical personnel and chaplains be allowed to perform their professional duties while captured. However, the captors control the degree to which these duties can be performed. But, even while performing limited professional duties, medical personnel and chaplains are held accountable for all their actions.

(3) Recent experience has shown that captors have disregarded the GPW. All confined personnel have been subjected to the same coercive POW management practices. Therefore, all soldiers should be aware of the behavior standards of the Code and should receive training in its application.

**c. Article II**

**I will never surrender on my own free will. If in command, I will never surrender the members of my command while they still have the means to resist.**

Explanation:

(1) Article II means that soldiers may never voluntarily surrender. Even where isolated and no longer able to inflict casualties on the enemy or otherwise defend themselves, it is the duty of a soldier to avoid capture and rejoin the nearest friendly forces.

(2) The means to evade is considered exhausted when escape is impossible. The means to resist is considered exhausted when further fighting would lead to the soldier's death with no significant loss to the enemy.

(3) The responsibility and authority of a commander never includes surrendering the command while isolated, cut off, or surrounded, as long as the unit has the power to resist, break out, or evade to rejoin friendly forces.

(4) The key words of Article II are "of my own free will." In most cases, there will be a means to resist or escape. In extreme situations, the means to resist or evade might be exhausted. For example, a soldier may be isolated,



low on ammunition (or without an operable weapon), and surrounded by enemy troops with loaded weapons.

(5) Medical personnel and chaplains may have an occasion to remain with the sick and wounded. If captured, such actions are not considered voluntary surrender under the terms of Article II.

**d. Article III**

**If I am captured I will continue to resist by all means available. I will make every effort to escape and aid others to escape. I will accept neither parole nor special favors from the enemy.**

Explanation:

(1) Article III requires that individual soldiers continue to resist enemy exploitation even if captured.

(2) The POW command has been considered by recent captors as an extension of the battlefield, and the enemy has used a variety of tactics to exploit POWs in disregard of the GPW. These efforts have included physical and mental harassment, general mistreatment and torture, medical neglect, and political indoctrination.

(3) Special favors or privileges have been offered to POWs in return for statement, information, and pledges or agreements not to try to escape. Soldiers must not seek special privileges or accept favors at the expense of fellow POWs.

(4) Under the guidance of the senior military person and the POW organization, soldiers must take advantage of escape opportunities whenever they arise.

(5) Soldiers are prohibited from signing any parole agreements. Parole agreements are promises given the captor by a POW to get special privileges or release from captivity.

(6) Medical personnel and chaplains who are captured must assert their right as "retained personnel" to perform their medical and religious duties for the benefit of POWs. They must take every opportunity to do so.

(7) If medical personnel and chaplains are not treated as "retained personnel", they have a duty to resist and escape; however, if they are treated as "retained personnel", they are not obligated to resist and escape.

(8) If medical personnel and chaplains are treated as "retained personnel" they must not perform any actions that could be detrimental to POWs or their interests of the United States.

(9) If the enemy fully honors and implements the agreements of the Geneva Convention and does not attempt to exploit POWs, soldiers must not interfere with the proper humanitarian administration of the POW camp.

(10) Individuals who are recaptured after an escape attempt are protected by Articles 91 thru 94 of the GPW. The GPW states that punishment will be for the escape attempt only, provided that:

(a) POWs have committed offenses for the sole purpose of aiding their escape.

(b) Offenses committed do not involve violence against life or limb.

(11) Under the GPW, captured medical personnel and chaplains are to be returned to their own forces when they are no longer needed to perform their duties.

(12) Soldiers will not bargain with the enemy for their own early release ahead of fellow POWs because this would be a failure to keep faith. (See Article IV.)

(13) The senior military POW should control and supervise release of POWs if the enemy permits. The GPW intends that POWs be released in the following order:

(a) Seriously sick and wounded as soon as their medical condition permits movement.

(b) Other POWs on a first-captured, first released basis.

(14) Enemy release policies that differ from the GPW should be regarded with suspicion (see 13 above).

**e. Article IV**

If I become a prisoner of war, I will keep faith with my fellow prisoners. I will give no information nor take part in any action which might be harmful to my comrades. If I am senior I will take command. If not, I will obey the lawful orders of those appointed over me and will back them up in every way.

Explanation:

(1) Article IV requires that officers and noncommissioned officers continue to carry out their responsibilities and to exercise their authority in captivity.

(2) Strong leadership is essential to discipline. Without discipline, camp organization, resistance, and even survival may be impossible.

(3) Informing on fellow POWs is forbidden. The POWs must especially avoid helping the enemy to identify fellow POWs who have information that is of value to the enemy. These POWs may be made to suffer coercive interrogation because of their knowledge.

(4) Personal hygiene, camp sanitation, and care of the sick and wounded are imperative.

(5) The senior person (whether officer or enlisted) within the POW camp or with a group of POWs will assume command according to rank without regard to Service. A chain of command will be designated and communicated to all POWs. The chain of command will represent POWs in dealing with enemy authorities. The responsibility of subordinates to obey the lawful orders of ranking American military personnel remains unchanged in captivity.

(6) The GPW indicates that in POW camps with enlisted personnel only, a prisoner's representative will be elected. However, it is the United States policy that the prisoner's representative does not have command unless the representative is also the senior military person regardless of Service. The senior military person will assume and retain actual command, covertly if necessary.

(7) Maintaining communication is one of the most important ways the POWs can aid one another. Communication breaks down the barrier if isolated (constructed by the enemy)

and helps strengthen the POW's will to resist. Immediately upon capture, each POW will try to make contact with fellow POWs by any means available and will actively continue to communicate and participate as part of the POW organization.

(8) Medical personnel are generally prohibited from assuming command over nonmedical personnel.

(9) Chaplains are generally prohibited from assuming command over military personnel of any branch.

(10) Military service regulations which restrict the eligibility of medical personnel and chaplains for command will be explained to personnel of all Services so there will be no confusion in a POW camp.

(11) If the enemy does not permit a military command structure to be formed or to function, an organization of elected representatives as provided for in the GPW may be established. However, in such a case, the senior person will continue to exercise authority over all POW matters, covertly if necessary.

**f. Article V**

When questioned, should I become a prisoner of war,  
I  
am required to give name, rank, service number, and  
date of birth. I will evade answering further  
questions to the utmost of my ability. I will make  
no  
oral or written statements disloyal to my country  
and  
its allies or harmful to their cause.

Explanation:

(1) Article V requires that, when questioned, a POW must give name, rank, service number, and date of birth. Under the GPW, the enemy may not force a POW to provide any additional information; however, it is unrealistic to expect a POW to remain confined for years reciting only name, rank, identification number, and date of birth. There are many POW camp situations in which certain types of conversation with the enemy are permitted. For example, a POW is allowed but not required by the Code of Conduct, UCMJ, or GPW to:

- (a) Fill out a Geneva Convention capture card.
- (b) Write letters home.
- (c) Communicate with captors on matters of health and welfare.

(2) Each POW must exercise great caution when filling out a capture card, communicating with the captor, and writing letters. A POW must resist, avoid, or evade, even when physically or mentally coerced, all enemy efforts to secure statements or actions that will further the enemy's cause. Such statements or actions constitute giving the enemy unauthorized information. Examples include:

- (a) Oral or written confessions.
- (b) Questionnaires.
- (c) Personal history statements.
- (d) Propaganda recordings and broadcast appeals to other POWs to comply with improper captor demands.
- (e) Appeals for surrender or parole.
- (f) Self-criticisms.
- (g) Oral or written statements or communications helpful to the enemy or harmful to the United States, its allies, the Army Forces, or other POWs.

(3) A POW should recognize that any confession signed or any statement made may be used by the enemy as part of a false accusation that the captive is a war criminal rather than a POW. Moreover, certain countries qualify their acceptance of the GPW, stating that a war crimes conviction has the effect of depriving the convicted individual of POW status. This action may remove the POW from protection under the GPW and lead to a loss of the right to repatriation until a prison sentence is served.

(4) If a POW finds that, under intense coercion, unauthorized information was unwillingly or accidentally disclosed, the POW should develop a fresh mental defense to recover control and develop a new line of resistance.

(5) Experience has shown that although enemy interrogation sessions can be harsh and cruel, it is possible to resist when a will to resist exists.

(6) The best way for POWs to keep faith with their country, fellow POWs, and themselves is to provide the enemy with as little information as possible.

(7) Article V and its explanation applies equally to medical personnel and chaplains (retained personnel). These personnel are required to communicate with a captor in connection with their professional responsibilities, but are still subject to the restraints.

**g. Article VI**

**I will never forget that I am an American, responsible for my actions, and dedicated to the principles which made my country free. I will trust in my God and in the United States of America.**

Explanation:

(1) Article VI is designed to help soldiers fulfill their responsibilities and to survive captivity with honor and dignity. Soldiers remain responsible for their actions at all times. The UCMJ continues to apply to each soldier during captivity or other hostile detention.

(2) Upon repatriation, POWs can expect their actions to be subject to review, both as to circumstances of capture and as to conduct during detention. The purpose of such reviews is to recognize meritorious performance as well as to investigate any allegations of misconduct. Such reviews will be conducted considering the rights of the individual and the conditions of captivity.

(3) The life of a POW can be very hard. The POWs who stand firm and united against enemy pressures will aid one another immeasurably in surviving this ordeal.

**h. Executive Order 10631, Code of Conduct for Members of the Armed Forces Of the United States--As Amended by Executive Order 12017, November 3, 1977.**

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Armed Forces

of the United States, I hereby prescribe the Code of Conduct for Members of the Armed Forces of the United States which is attached to this order and hereby made a part thereof.

Every member of the Armed Forces of the United States is expected to measure up to the standards embodied in this Code of Conduct while he is in combat or in captivity. To ensure achievement of these standards, each member of the Armed Forces liable to capture shall be provided with specific training and instruction designed to better equip him to counter and withstand all enemy efforts against him, and shall be fully instructed as to the behavior and obligations expected of him during combat or captivity.

The Secretary of Defense (and the Secretary of the Treasury with respect to the Coast Guard except when it is serving as part of the Navy) shall take such actions as is deemed necessary to implement this order and to disseminate and make the said Code known to all members of the Armed Forces of the United States.

THE WHITE HOUSE  
DWIGHT D. EISENHOWER  
August 17, 1955

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